

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

Case No. 20-mj-114

ANESSA FIERRO,

Defendant.

COMPLAINT FOR VIOLATIONS OF
TITLE 18, UNITED STATES CODE, SECTION 844(i)

BEFORE United States Magistrate Judge
Stephen L. Crocker

United States District Court
120 North Henry Street
Madison, Wisconsin 53703

The undersigned complainant being duly sworn states:

COUNT 1

On or about August 25, 2020, in the Western District of Wisconsin, the defendant,

ANESSA FIERRO,

maliciously attempted to damage and destroy, by means of fire, BUSINESS A, a commercial building in Madison, Wisconsin, which was used in interstate and foreign commerce.

(In violation of Title 18, United States Code, Section 844(i)).

COUNT 2

On or about August 25, 2020, in the Western District of Wisconsin, the defendant,

ANESSA FIERRO,

maliciously attempted to damage and destroy, by means of fire, BUSINESS B, a commercial building in Madison, Wisconsin, which was used in interstate and foreign commerce.

(In violation of Title 18, United States Code, Section 844(i)).

This complaint is based on the attached affidavit of [REDACTED]

[REDACTED]
Special Agent, Bureau of Alcohol,
Tobacco, Firearms and Explosives

Sworn to me telephonically this 22d day of September 2020.



HONORABLE STEPHEN L. CROCKER
United States Magistrate Judge

COUNTY OF DANE)
STATE OF WISCONSIN)
) ss

AFFIDAVIT

I, [REDACTED] first being duly sworn under oath, hereby depose and state as follows:

1. I am a Special Agent of the United States Justice Department, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), currently assigned to the Madison Field Office. I have been so employed since [REDACTED] I am a graduate of the Federal Law Enforcement Training Center Criminal Investigator Training Program, the ATF Special Agent Basic Training, and have received extensive training [REDACTED]

Prior to my employment with the ATF, I

2. The facts contained in this affidavit are known through my personal knowledge, training, and experience, and through information provided to me by other law enforcement officers, who have provided information to me during the course of their official duties and whom I consider truthful and reliable. This affidavit does not contain every fact I know about this investigation, but merely is intended to show probable cause that Anessa Fierro committed violations of Title 18, United States Code, Section 844(i).

3. On August 25, 2020, a citizen complainant (hereinafter "confidential source" or "CS") advised me that he/she witnessed two or three males walking

together near the corner of N. Hamilton Street and N. Pinckney Street in Madison, Wisconsin on August 25, 2020 at approximately 12:30 am. One of the males carried a red container consistent with a five gallon gasoline container. The CS saw these individuals stop in front of the YWCA, located at 101 E. Mifflin Street, Madison, Wisconsin. Several minutes later, a female wearing a red or pink sports bra and gray shorts came out of the YWCA. The males and female walked north towards N. Webster Street.

4. YWCA surveillance video, provided to law enforcement pursuant to a Grand Jury subpoena, corroborates the CS's statement. I reviewed this video and saw three individuals matching the CS's description standing outside of the YWCA at 11:25 pm on August 24, 2020. The female (Subject #1) wore a pink sports bra, gray shorts, and had tattoos on her chest and left wrist. One of the males (Subject #2) wore dark pants, a dark head wrap, no shirt, and appeared to have tattoos on the right side of his chest and right shoulder. Below are screenshots from the YWCA's surveillance video:



Figure 1 – Individuals standing outside of the YWCA. The red box highlights Subject #2's tattoos.



Figure 2 – Individuals outside of the YWCA. The red box highlights Subject #1's tattoo.



Figure 3 – Individuals outside of the YWCA. The red boxes highlight Subject #1's tattoos.

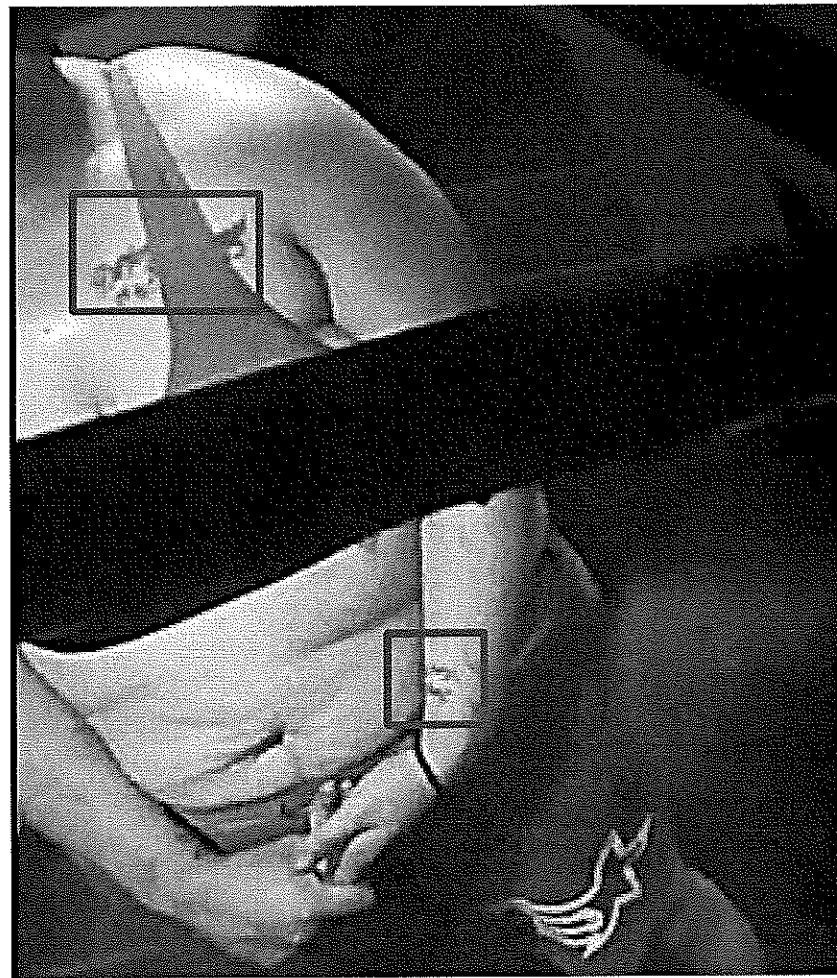


Figure 4 – A close-up view of Subject #1's tattoos.

5. On August 25, 2020, at approximately 12:25 am, YWCA surveillance cameras again captured Subject #1 and Subject #2 outside of the YWCA. This time, another female wearing black and white pants (Subject #3) joined the couple holding what appears to be a cellphone in her left hand. Subject #2 also carried a red gasoline container and a broken wooden bat. Additional tattoos can be seen on Subject #2's left shoulder and possibly his left forearm.



Figure 5 – Subject #1 outside of the YWCA.



Figure 6 - Subject #2 walking in front of the YWCA holding a gasoline container.



Figure 7 –Subject #2 and Subject #3 standing outside of the YWCA, with Subject #2 displaying a broken bat.

6. On August 25, 2020, at approximately 12:35 am, rioters attempted to burn an office building (Business A) located in Madison, Wisconsin. Surveillance video from Business A shows that an unknown subject used a skateboard to break Business A's glass windows and doors. Below are screenshots from the surveillance video law enforcement received from Business A:



Figure 8 – An unknown male using a skateboard to break Business A's front glass doors.

7. Within minutes, several other individuals, including a shirtless male wearing dark pants and a dark head wrap, approached Business A and used what appeared to be sticks, rocks, and other objects to break the front entryway glass. The shirtless male matched the physical description of Subject #2.



Figure 9 - Additional individuals breaking glass windows in Business A's front entryway.

8. At approximately 12:38 am, a female in a pink sports bra, gray shorts and flip flops walked up to Business A's entryway holding a red gasoline container. The female matched the physical description of Subject #1. She directed individuals away from the broken windows and poured liquid from the red gasoline container directly on the building.



Figure 10 – Subject #1 approaching Building A's front entryway.



Figure 11 – Subject #1 pouring liquid on Building A's front entryway.

9. After Subject #1 poured the liquid, Subject #2 and another person ignited the vapors using an open flame.¹ Subject #1 watched from a short distance away.



Figure 12 – Subject #2 and another person igniting the vapors with Subject #1 watching from behind.



Figure 13 – The vapors on Building A's front entryway igniting.

¹ In order for a fire to occur there are several points to consider, specifically the presence of heat, fuel, oxygen, and the uninterrupted chain reactions, which bring these factors together. In this case, Subject #1, is seen pouring a liquid (fuel) from a red gasoline container on the front of the building. Subject #2 and an unidentified individual are seen lighting a substance on fire (heat) and adding that heat source to the flammable vapors, which are produced by the liquid. Based on my training and experience, the ignition of the flammable vapors is consistent with a flammable liquid (gasoline) pool fire.

10. Subject #1 walked away holding the gasoline container as flames engulfed Business A's entryway.



Figure 14 – Subject #1 walking away holding the gasoline container.

11. On August 25, 2020, at approximately 12:49 am, a surveillance camera from a retail store (Business B) recorded Subject #1 breaking windows and pouring a liquid into its store located in Madison, Wisconsin. Specifically, Subject #1 struck the front door window and poured a liquid from the gasoline container into the building, into the window casings, and along the northwest side of the building. It should also be noted that seven residential apartments were located directly above Business B, three of which were physically occupied at the time of the attempted arson.

12. Subject #1 tried to ignite the vapors but stopped when officers from the Madison Police Department (MPD) arrived on scene. Subject #1 then fled the area. If Subject #1 had successfully ignited the vapors from the liquid she poured into Business B, the resulting fire would have damaged the building and endangered the lives and

safety of the people living in the apartments. Below are screenshots from surveillance video law enforcement received from Business B:



Figure 15 –Business B's front door window being stuck.



Figure 16 – Subject #1 pouring liquid inside of Business B.



Figure 17 – Subject #1 attempting to light the vapors inside Business B.

13. An MPD surveillance camera located directly outside of Business B also captured the attempted arson.² This video shows that Subject #2 used broken pieces of wood to point at Business B and strike its windows. Below are screenshots from this MPD surveillance video:

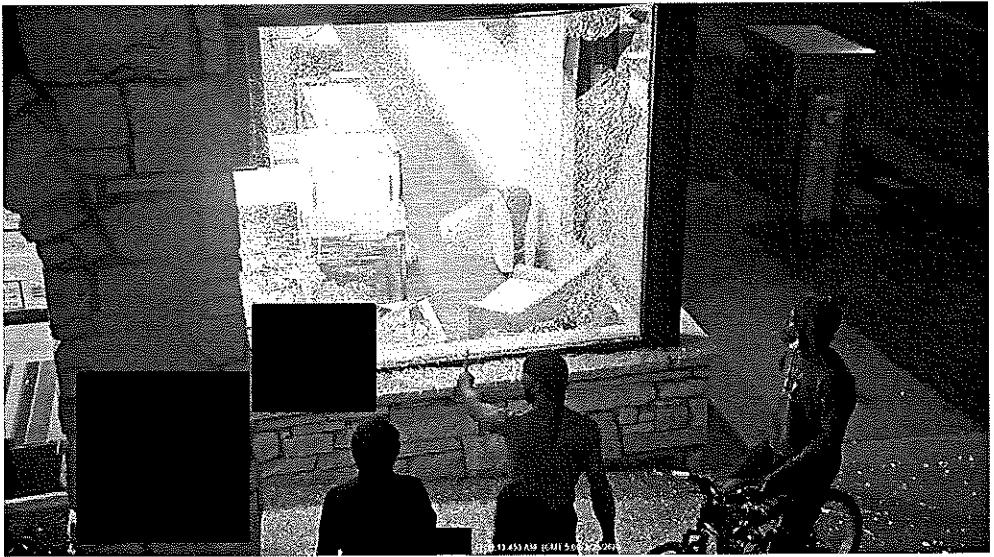


Figure 18 – Subject #2 using sticks to point at Business B.

²The date/time stamp on Business B's surveillance video is approximately 10 minutes faster than the date/time stamp on surveillance video received from MPD.

14. Subject #1 crossed the street and approached Business B with the gasoline container as Subject #3 watched from the street.



Figure 19 – Subject #3 watching as Subject #1 approached Business B carrying a gasoline container.



Figure 20 – Subject #1 and Subject #2 outside of Business B.



Figure 21 – Subject #2 attempting to ignite the vapors inside Business B.



Figure 22 – Subject #1 attempting to ignite the vapors inside Business B.

15. Representatives from Business A and Business B confirmed each business regularly conducts business with vendors located outside of Wisconsin.

16. The CS reported that in the early morning hours of August 25, 2020, he/she saw Subject #1 and Subject #2 return to the YWCA, as Subject #2 carried a red gasoline container. Subject #1 and Subject #2 walked away from the YWCA for about

five minutes and returned without the red gasoline container. Subject #1 and Subject #2 then walked into the YWCA. The CS provided me with a picture he/she took of Subject #1 and Subject #2 after they returned to the YWCA at approximately 1:00 am.



Figure 23 – Subject #1 and Subject #2 walking outside of the YWCA.

17. Surveillance video from the YWCA confirms that Subject #1, Subject #2, and Subject #3 returned to the YWCA at approximately 1:05 am. All three people took the elevators to the 5th floor and entered a residential room at approximately 1:10 am. At 1:35 am, they left the 5th floor room. This time, however, two people wore different clothes: Subject #1 changed into an orange shirt and black shorts; and, Subject #3 wore dark tights and a Mickey Mouse shirt. Below are selected screenshots from this portion of the YWCA's surveillance video:



Figure 24 – Subject #3 exiting a 5th floor elevator after returning to the YWCA



Figure 25 – Subject #1 exiting a 5th floor elevator after returning to the YWCA.



Figure 26 – Subject #2 exiting a 5th floor elevators.



Figure 27 – Subject #3 leaving the 5th floor after changing her clothes.

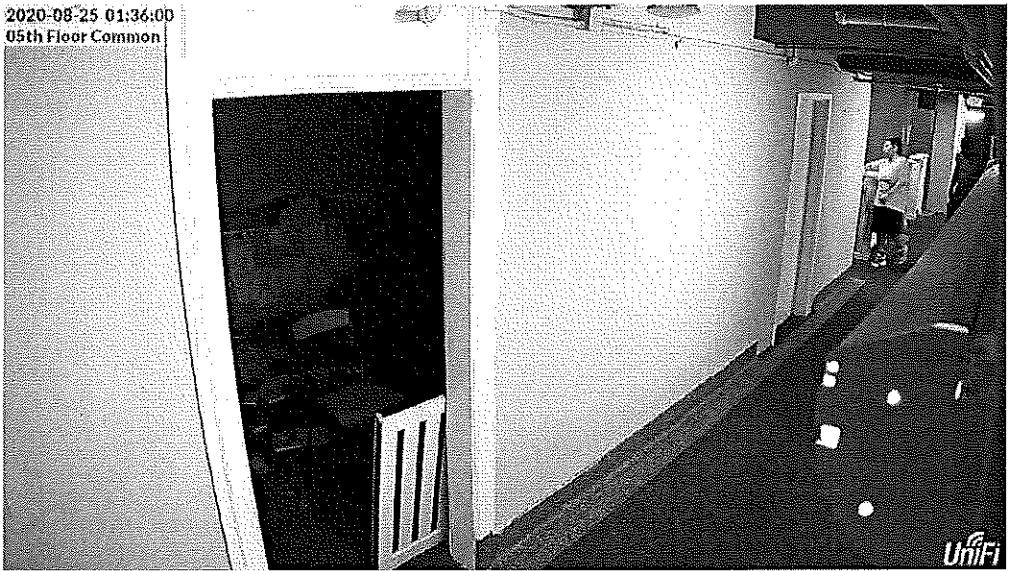


Figure 28 – Subject #1 and Subject #2 leaving the 5th floor after Subject #1 changed her clothes.

18. At approximately 2:20 am on August 25, 2020, Subject #1 returned to the YWCA and used a key to enter a residential room on the 2nd floor.

19. Approximately one hour later, Subject #2 returned to the YWCA and briefly visited the 5th floor room (as described in paragraph 17). Subject #2 left the room after three minutes, took the elevator to the 2nd floor, and walked into the room Subject #1 entered earlier (as described in paragraph 18).

20. On August 26, 2020, [REDACTED] [REDACTED] interviewed an employee at the YWCA (Employee #1). Employee #1 reviewed a screenshot from Business A's surveillance video showing Subject #1 committing the attempted arson. Employee #1 identified Subject #1 as [REDACTED]

21. [REDACTED] [REDACTED] interviewed [REDACTED] on August 28, 2020. [REDACTED] reviewed surveillance video screenshots from the attempted arson and acknowledged that she closely resembled Subject #1; however, [REDACTED] pointed

out tattoos [REDACTED] that did not appear on Subject #1. I looked at [REDACTED] tattoos and confirmed they did not match Subject #1's tattoos.

22. [REDACTED] then identified Subject #1 as Anessa Fierro and Subject #2 as Will Johnson, Fierro's boyfriend. [REDACTED] knew Fierro and Johnson because [REDACTED] [REDACTED] also told us that Fierro wore a pink sports bra and gray shorts on the night of the civil unrest. [REDACTED] remembered Fierro's attire because [REDACTED]

23. [REDACTED] interviewed multiple YWCA employees during the course of the investigation, which included a second interview of Employee #1 (see paragraph 20). Each employee reviewed surveillance video screenshots of Subject #1, Subject #2, and Subject #3. Several employees provided the following information:

- a. Employee #1 again identified Subject #1 as [REDACTED]. This time, however, Employee #1 said Subject #1 "could be the resident of room [REDACTED] or 210." Employee #1 positively identified Subject #3 as [REDACTED], a resident of room [REDACTED].
- b. Employee #2 also identified Subject #3 as [REDACTED].
- c. Employee #3 remembered seeing Subject #1 wear the pink sports bra on August 24, 2020 and thought she lived on the 2nd floor. Employee #3 recognized Subject #3 as [REDACTED].
- d. Employee #4 identified Subject #1 and Subject #2 as "Anessa and Will."

e. Employee #5 identified Subject #1 as Fierro from room 210 and Subject #3 as [REDACTED].

24. [REDACTED] reviewed historical booking photographs of Fierro and Johnson. Johnson's 2004 booking photograph did not show all of his tattoos; however, [REDACTED] saw at least one tattoo on Johnson that resembled a tattoo on Subject #2. Fierro's photographs, which are dated May 12, 2019, show tattoos on the left side of her chest and on the inside of her left wrist. Fierro's tattoos are consistent with Subject #1's tattoos as shown above in Figures 2, 3, and 4 (see pages 3-4). Below are Fierro's May 2019 booking photographs:



Figure 28 – Fierro's May 2019 booking photograph.

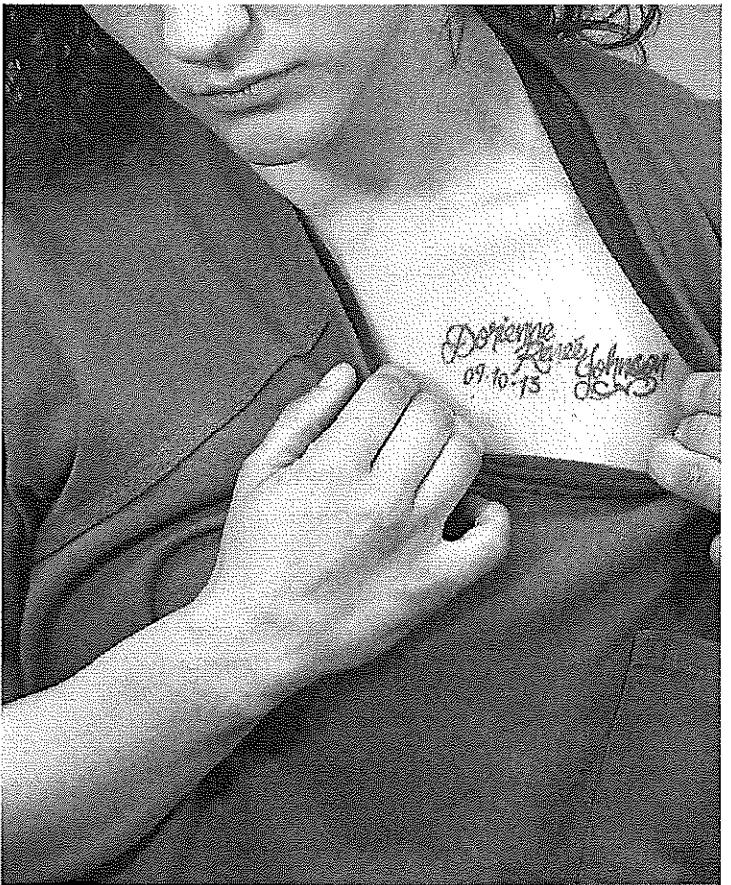


Figure 29 – Fierro displaying the tattoo on the left side of her chest.



Figure 30 – Fierro displaying the tattoo on the inside of her left wrist.

25. An MPD incident report from 2020 and records from a Dane County Circuit Court case show Fierro and Johnson were in a relationship.
 - a. A 2015 family court case (2015FA002269) listed both Fierro and Johnson as respondents. Notes in CCAP read, "Paternity Acknowledgment Judgment. Joint custody – no placement order as parties reside together; child support held open; father to pay birth expenses monthly beginning 1/1/16."
 - b. On May 27, 2020, MPD responded to a fight at [REDACTED] Madison, Wisconsin (MPD case number [REDACTED]). During the course of their investigation, officers learned that Fierro "and her boyfriend" Johnson tried to break up the fight.

26. Based on the foregoing facts, I believe there is probable cause that Anessa Fierro committed violations of Title 18, United States Code, Section 844(i), causing damage by fire or an explosive, as described in the attached criminal complaint.

[REDACTED]
Special Agent, Bureau of Alcohol,
Tobacco, Firearms and Explosives

Sworn to telephonically this 22nd day of September 2020.


Honorable Stephen L. Crocker
United States Magistrate Judge